

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)	
)	Case No. 15bk13402
LUIS P COCHICO,)	
)	Chapter 7
)	
Debtor.)	Honorable Timothy A. Barnes
_____)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER
AWARDING TO GREGORY K. STERN, ATTORNEYS FOR TRUSTEE, FOR
ALLOWANCE AND PAYMENT OF FINAL COMPENSATION AND
REIMBURSEMENT OF EXPENSES

TOTAL FEES REQUESTED:	\$ 5,245.00	TOTAL COSTS REQUESTED:	\$ 0.00
TOTAL FEES REDUCED:	\$ 614.60	TOTAL COSTS REDUCED:	\$ 0.00
TOTAL FEES ALLOWED:	\$ 4,630.40	TOTAL COSTS ALLOWED:	\$ 0.00

TOTAL FEES AND COSTS ALLOWED: \$ 4,630.40

The attached time and expense entries have been underlined to reflect disallowance in whole or in part. The basis for each disallowance is reflected by numerical notations that appear on the left of each underlined entry. The numerical notations correspond to the enumerated paragraphs below.

(1) Unauthorized Work – TOTAL of disallowed amounts \$ 465.00

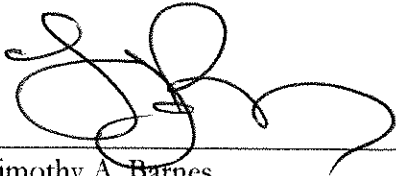
The Court denies the allowance of compensation for work done prior to the authorization of retention. *In re Spanjer Bros., Inc.*, 203 B.R. 85, 94 (Bankr. N.D. Ill. 1996) (Squires, J.) (“The Court will not retrospectively allow any of the time expended prior to the time of the authorized retention because to do so would be to reward any delay or tardiness in promptly seeking retention. To allow bootstrapping of objected to fees paid at the expense of unsecured creditors undermines the policy in favor of prompt application for retention by professionals who will be seeking compensation from the bankruptcy estate. *See generally* 11 U.S.C. § 327 (prerequisite to the allowance of any fees or expenses that professional be employed); *In re Peoples Sav. Corp.*, 114 B.R. 151, 154 (Bankr.N.D.Ill.1990) (“In the absence of a court order approving the Applicant’s employment, there is no statutory basis upon which the Court can make a fee award.”)).

(2) Lumping – TOTAL of disallowed amounts (10% of affected entries): \$ 149.60

The Court may impose a ten percent penalty on entries that appear to be “lumping.” The Court will reduce each entry marked as such per the penalty. *In re Wildman*, 72 B.R. 700, 709 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“Applicants may not circumvent the minimum time requirement or

any of the requirements of detail by “lumping” a bunch of activities into a single entry. [citation omitted]. Each type of service should be listed with the corresponding specific time allotment.”).

Dated: May 25, 2016



Timothy A. Barnes
United States Bankruptcy Judge

GREGORY K. STERN, P.C.

53 West Jackson Boulevard
Suite 1442
Chicago, Illinois 60604

(312)-427-1558

Barry A. Chatz, Chapter 7 Trustee
Arnstein & Lehr
120 South Riverside Plaza
Suite 120
Chicago, IL 60606

Statement Date: March 31, 2016

Statement No. 1

Account No. Chatz.Cochi

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RE: Case No. 15-13402

Interim Statement

Payments received after 03/31/2016 are not included on this statement.

Fees

			Hours	
05/26/2015	GKS	<u>Reviewing materials provided by BC - Drafting Applications to Employ</u>		
(1) Unauthorized Work		<u>Accountants and Attorneys, Notices and Orders - email with BC and BS re</u>		
		<u>case, GKS representation and recovery of fraudulent transfers</u>	1.00	465.00
06/02/2015	RDS	Review Schedules and SFA in preparation of 341; Prepare questions for the Debtor.	0.30	90.00
(2) Lumping	RDS	<u>Representation of Trustee at 341; Meeting with Debtor re additional</u>		
		<u>documents being requested</u>	0.60	180.00
	RDS	Meeting with GKS and MCO re Cochico 341, documents, transfers and next steps.	0.20	60.00
	GKS	Court - Representation at hearing on T's Applications to Employ Attorneys and Accountants	0.30	139.50
	RDS	Draft correspondence to Debtor requesting additional documents.	0.10	30.00
06/03/2015	RDS	Update correspondence to Debtor requesting documentation from Trustee and email same.	0.10	30.00
	GKS	Reviewing and revising draft of letter requesting production of documents - Meeting with RSS re same	0.20	93.00
06/04/2015	GKS	Telephone conference with J Wrobel re possible representation of D	0.10	46.50
06/10/2015	GKS	Reviewing BC email re JWrobel appearance - Reviewing JW email re appearance and Motion to Convert to Chapter 13 - Reply email to JW re production and Motion to Convert	0.20	93.00
	GKS	Reviewing JW email re production and reply email	0.10	46.50
	RDS	Review fax and appearance for Joe Wrobel on behalf of LC.	0.10	30.00

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			Hours	
07/02/2015	GKS	Reviewing file - Drafting Motion for 2004 Examination and Order	1.00	465.00
07/06/2015	GKS	Reviewing J Wrobel email and attachments, mv titles, quitclaim deed, closing statement and bank account statements 4/8/2014 through 5/2015	1.10	511.50
07/07/2015	GKS	Reviewing production v letter requesting production - email to JW re D's production and documents requested but not produced	0.20	93.00
	GKS	Telephone conference with J Wrobel re d's production. T's position re conversion, reviewing schedules d, e and f and claims register, discussing various scenarios and possibilities	0.30	139.50
07/08/2015	GKS	Reviewing email from JWrobel re meeting with client and timeline for production	0.10	46.50
07/20/2015	GKS	Telephone conference with J Wrobel re case status, T's position re payoff claims through Ch 7, poc bar date, claims filed to date, D and wife's financial resources	0.30	139.50
07/28/2015	GKS	Drafting Motion to Extend Time to File 727 Adversary, Notice and Order	0.80	372.00
08/04/2015	GKS	Reviewing JW 7/23 email and attached memo	0.10	46.50
08/06/2015	GKS	Reviewing D's Motion to Convert	0.10	46.50
08/10/2015	MCO	Review documents produced by Debtor purporting to be disposition of sales proceeds from California property; meeting with GKS re: opposition to motion to convert case to Chapter 13.	0.30	132.00
08/12/2015 (2) Lumping	MCO	<u>Court - Representation of Trustee at Debtor's Motion to Convert; meeting with Debtor's attorney re: continuing matter until after claims bar date.</u>	0.90	396.00
09/09/2015	GKS	Reviewing BC emails and attachment re poc filed and amount needed from D to pay off claims and administrative expenses - email to JW re same	0.20	93.00
09/15/2015 (2) Lumping	GKS	<u>Reviewing JW and BC emails re claim filed, D's wife's financing to pay Ch 7 T, continuing pending motions until governmental poc bar date has passed - Meeting with MCO re same and need to review file to see if governmental claims were an issue and drafting reply to JW re withdrawal of motion to convert and entry of order extending time to file 727 complaint pending funding to pay off claims</u>	0.40	186.00
(2) Lumping	MCO	<u>Review emails from Debtor's attorney and Trustee re: claims bar date and offer to settle with Trustee; review schedules and tax returns confirming no governmental claims; email to JW and BC re: same.</u>	0.40	176.00
09/16/2015	MCO	Court - Representation of Trustee at continued hearing on Motion to Extend Time to Object to Discharge 727.	0.70	308.00
09/21/2015	GKS	Reviewing JW and BC emails re T's demand and breakdown of claims, costs and fees - email to JW re same	0.10	46.50
10/02/2015	GKS	Reviewing T's email ?g status of payment - email to D's attorney re same -		

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			Hours	
		reviewing D's attorney reply email	0.10	46.50
10/05/2015	GKS	Reviewing UST's email and reply email re case status	0.10	46.50
10/18/2015	GKS	Reviewing, revising and finalizing draft of Time Sheets	0.20	93.00
12/29/2015	GKS	<u>Reviewing ecf filing of amended sfa - email to JW re same - Reviewing JW</u>		
(2) Lumping		<u>reply email - Reviewing amended sfa</u>	0.20	93.00
03/30/2016	GKS	<u>Telephone conferences with BS re final distributions and prorations -</u>		
(2) Lumping		<u>Reviewing file, Claims Register and POC(s) filed - Confirming drafts</u>	1.00	465.00
		For Current Services Rendered	11.90	5,245.00
		Total Current Work		5,245.00
		Balance Due		\$5,245.00